

Power of Attorney for Health Care has certain duties.

For more information and to download a Directive to Physicians, please visit: [www.hood-meddac.army.mil/families/dpf.pdf](http://www.hood-meddac.army.mil/families/dpf.pdf)

**Agents must make health care decisions:**

- ☑ After consultation with your attending physician and according to the agent's knowledge of your wishes, to include your religious and moral beliefs.
- ☑ If your agent does not know your wishes, health care decisions must be made in accordance with what the agent believes is in your best interests.

Your agent may consent, refuse to consent, or withdraw consent of medical treatment and make decisions about withdrawing or withholding life sustaining treatment. However, your agent may not consent to voluntary inpatient mental health services, convulsive treatment, psychosurgery, abortion, or neglect through omission of care intended to provide comfort.

Your physician must comply with your agent's instructions or allow you to be transferred to another physician.

*Legal Aspects of Advance Directives*

Neither the Directive to Physicians, the TDH OOH DNR, nor the Durable Power of Attorney for Health Care needs to be notarized in order to be a legally valid expression of your desires.

Neither this medical center nor your physician may require you to execute an Advance

Directive as a condition for admittance or receiving treatment in this or any other hospital.

The fact that you have executed a Directive to Physicians or a Durable Power of Attorney for Health Care does not change any provision in any insurance policy that you may have.

Individuals interested in obtaining such instruments may contact the Patient Administration Division or the Patient Representative office of the Carl R. Darnall Army Medical Center located on the first floor of the Medical Center. They may also contact the appropriate Legal Assistance office of their servicing Staff Judge Advocate at the below listed numbers if they feel they need the assistance of an attorney.

- 1<sup>st</sup> Cavalry Division . . . . .287-6060  
Division HQ, Bldg. 28000  
Room 1155
- 4<sup>th</sup> Infantry Division . . . . .287-1850  
Division HQ, Bldg. 410  
Room 175
- III CORPS  
Tenant Activities & Retirees . . .287-7901  
Corps HQ, Building 1001  
Room C2224

*Communicate Your Health Care Choices*

If you decide to execute an Advance Medical Directive:

- ☑ Keep your original at home.
- ☑ Provide copies of your directives to any

family member or agent who may be called upon to act for you.

- ☑ Ensure a copy is placed in your Outpatient Medical Record.
- ☑ Bring a copy to the hospital every time you are admitted.
- ☑ Inform the admitting clerk, ward nurse and physician that you have these documents.

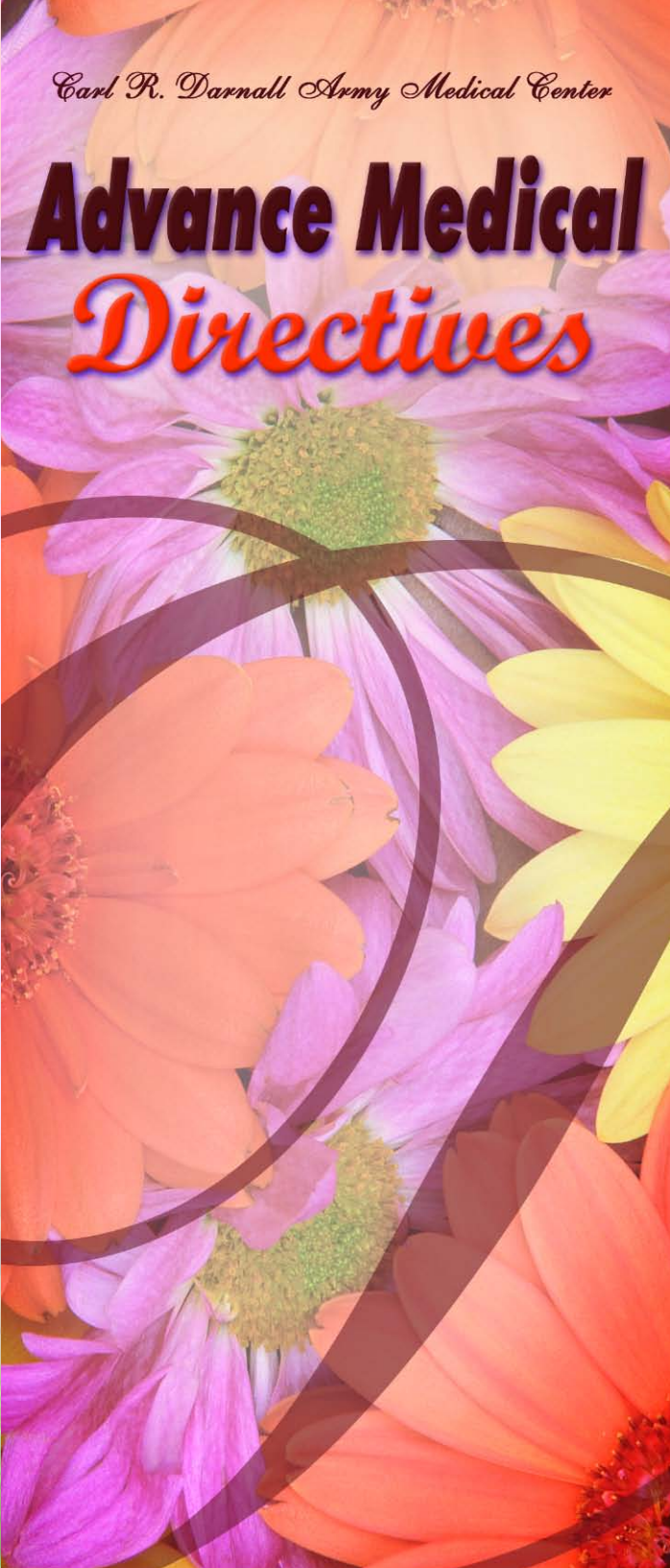
*Hospital Policies for Implementing Patient's Rights*

Formal policies have been adopted to ensure that your right to make medical treatment decisions will be honored to the extent permitted by law.

This hospital has adopted policies relating to implementation of Directives to Physicians and implementation of treatment decisions made by your agent appointed under a Durable Power of Attorney for Health Care. Questions or concerns regarding Advance Medical Directives can be directed to Carl R. Darnall Army Medical Center Patient Administration Division: (254) 288-8352



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## Introduction

When you or your loved one needs medical care, you want the most appropriate and best care available. To achieve this, certain decisions may need to be made involving the kind of care given. As a patient in a Texas hospital, you have certain legal rights concerning your medical treatment. There are three documents available in Texas to record this information, of which you should be aware.

This brochure is designed to help you understand your rights as they relate to advising your health care provider as to your treatment wishes. After reading this brochure, if you have questions, need further information or wish to execute an advance directive, please contact your physician or nurse.

## Participation in the Decision Process

Every adult of sound mind has the right to decide what may be done to his or her body in the course of medical treatment. You have the right to accept or decline a proposed course of treatment. Your physician will discuss with you the risks associated with your treatment decision.



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## Directive to Physician

Texas law allows you to make a written medical directive to your physicians known as a "Directive to Physicians." This is a legal written document outlining your specific wishes concerning your medical care. It is also known as an Advanced Directive or, in some states, a Living Will. It is designed to allow you to make your wishes concerning medical treatment known before you actually need such care.

### Written Directives

You may sign a Directive to Physicians concerning your care if:

- ☒ You are at least 18 years old,
- ☒ Of sound mind, and
- ☒ Acting on your own free will in the presence of two qualified witnesses.

The directive, instructs your physician not to use artificial methods to prolong the process of dying if you are terminally ill. The directive does not become effective until you are diagnosed and certified in writing to have a terminal condition. If you sign a directive, talk it over with your physician and ensure that the directive is included in your medical record.

### Oral Directives

You may make an oral directive if you are diagnosed with a terminal condition and are unable to sign a written directive.

## Out-of-Hospital Do Not Resuscitate Order

As a patient in Texas, you may also obtain a Texas Department of Health (TDH) Out-of-Hospital Do Not Resuscitate Order

(OOH DNR). A TDH OOH DNR allows you to decide, if you are to be resuscitated in the event you stop breathing or your heart stops beating in an out-of-hospital setting, (any setting outside of a licensed acute care hospital in-patient room) in which health care professionals are called for assistance.

A TDH OOH DNR allows you to declare the resuscitative measures that are not to be used, including but not limited to, cardiopulmonary resuscitation (CPR), advanced airway management, defibrillation, artificial ventilation, and transcutaneous cardiac pacing.

At CRDAMC, OOH DNR orders must be evidenced by an approved written document that has been properly completed or by the wearing of a DNR identification device around the neck or wrist. For more information and instructions on how to obtain identification devices please visit

<http://www.tdh.state.tx.us/hcqs/ems/dnrhome.htm>

## Directive by Guardian or Family Member

Should you become comatose or otherwise unable to communicate after being diagnosed with a terminal condition, and if you have not issued a written directive, others will make the decision for you. Your attending physician and legal guardian, or certain family members in the absence of a legal guardian, may make decisions concerning withholding or withdrawing life-sustaining treatment.

## Durable Power of Attorney for Health Care

Another type of medical directive is known as a Durable Power of Attorney for Health Care. This document, signed by a competent adult, designates someone that the patient selects to be an agent to make health care decisions on the patient's behalf should the patient become unable to make such decisions.

## Agents

Anyone can be your agent other than:

- ☒ Your health care provider, including a physician, hospital or nursing home.
- ☒ An employee of your health care provider, unless that person is a relative.
- ☒ Your residential care provider (nursing home, hospice, or other licensed residential care home).
- ☒ An employee of your residential care provider, unless that person is related to you.

## Authority of Agent

An agent has authority to make health care decisions on your behalf only when your attending physician certifies in writing, based on your physician's reasonable medical judgment, that you lack the capacity to make health care decisions. This certification must be filed in your medical record.

Your agent, unless acting under court authority, cannot make a health care decision if you object, regardless of whether you have the capacity to make the health care decision yourself, or whether a Durable Power of Attorney for Health Care is in effect. An agent who has your Durable